



NCAI BROADCAST

LEGISLATIVE & ADMINISTRATIVE UPDATE

Legislative Update

Georgia Election Results

Presidential Election Certification

Signed into Law

H.R. 133 Consolidated Appropriations Act, 2021

S. 212 - Indian Community Economic Enhancement Act

H.R. 6535 - To deem an urban Indian organization and employees

thereof to be a part of the Public Health Service for the purposes of certain claims for personal injury, and for other purposes.

H.R. 6237 - PRC for Native Veterans Act

H.R. 7105, the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020, as amended

NDAA - Veto Override

Administrative Updates

Deadlines & Dates

Treasury Announces January 12 Application Deadline for Tribal Housing Funds

The Federal Emergency Management Agency (FEMA) Invites Written Comments from Tribal Nations Regarding Tribal Pandemic Assistance

TTAC GWE Subcommittee Reopens Tribal Solicitation Letter

Proposed Modernization of BIA Indian Land Records Management Regulations Tribal Consultation

Veterans Administration and Indian Health Service Tribal Consultation

BIE School Mascots Consultation Sessions

Transportation and Indian School Equalization Program Funding Formulas Consultation Sessions

BIE Student Progress and Promotion Policy and BIE Certificate of Completion Policy Consultation Session
Memorandum of Agreement (MOA) on Public Law 102-477 Consultation Sessions
Indian Preference in Hiring for BIA Office of Justice Services (OJS) Positions Consultation Sessions
Eligibility Criteria for Construction Assessments of Public Safety and Justice Facilities Consultation Session
Indian Land Title and Records Proposed Rule Consultation Sessions
Tribal Transportation Program (TTP) Access Road Mileage Limitation Consultation Sessions
American Indian Probate Regulations Proposed Rule Consultation Sessions
Federal Acknowledgment Re-Petitioning Consultation Session
Indian Trader Regulations Consultation Sessions

Legislative Update

Georgia Election Results

On January 6, 2021, the victors of the Georgia Senate runoff races were declared. Rev. Raphael Warnock and Jon Ossoff, both members of the Democratic Party, defeated incumbents, Senator Kelly Loeffler and David Perdue, respectively. The outcome of this special election shifted power in the Senate from the Republican to the Democratic Party. The Democrats will now have control of the House of Representatives, Senate, and Presidency.

NCAI Contact: Nicholas Courtney, *Director of Policy*, ncourtney@ncai.org

Presidential Election Certification

On January 6, 2021, Congress initiated the final step in the election process before the January 20, 2021 inauguration of President-Elect Joe Biden. The constitution requires lawmakers to count the votes officially cast by the Electoral College. Legislators, in the early hours of January 7, 2021, certified the results and election of Joe Biden as the next President of the United States.

NCAI Contact: Nicholas Courtney, *Director of Policy*, ncourtney@ncai.org

Signed into Law

H. R. 133 - Consolidated Appropriations Act, 2021

On December 27, 2020, the President signed into law [H.R. 133](#), the Consolidated Appropriations Act, 2021, an omnibus spending package that includes \$1.4 trillion for FY 2021 government spending, more than \$900 billion to combat the coronavirus (COVID-19) pandemic, and numerous policy riders impacting Indian Country. This package included language extending the deadline for use of CARES Act Coronavirus Relief Fund (CRF) distributions until December 31, 2020, created a \$1 billion tribal broadband fund within the Department of Commerce, provides over \$1 billion for Indian Health Service, tribal, and urban Indian health care funding, provides at least 409 million for relief for Bureau of Indian Education-funded schools and tribal colleges and universities, allocated \$800 million in rental assistance to tribal communities, and authorizes over \$114 million for activities eligible under the Tribal Transportation Program. H.R. 133 also, contains numerous riders and extenders impacting Indian Country. NCAI staff have reviewed the legislation and produced a COVID-19 Fact Sheet and summary of other authorizing matters as they relate to Indian Country.

To review the NCAI COVID-19 summary (Divisions M & N), click [here](#).

To review the NCAI summary of other authorizing matters, click [here](#).

FY 2021 Spending Levels

The federal government has been operating under a continuing resolution since FY 2021 began on October 1, 2020. H.R. 133 includes spending measures for FY 2021 for all 12 appropriation bills. H.R. 133 includes the following funding levels for tribal programs:

- \$2.159 billion for Bureau of Indian Affairs (BIA), an increase of \$127 million above the FY 2020 enacted level.
- \$1.237 billion for the Bureau of Indian Education (BIE), an increase of \$46 million above the FY 2020 enacted level.
- \$6.236 billion for Indian Health Services (IHS), an increase of \$189 million above the FY 2020 enacted level.
- \$825 million for Housing and Urban Development (HUD) Native American Programs, the same amount as the FY 2020 enacted level.
- \$505 million for the Department of Transportation (DOT) Tribal Transportation Program, the same amount as the FY 2020 enacted level.

To review the Joint Explanatory Statement for the Department of the Interior, Environment, and Related Agencies, please click [here](#).

To review the Joint Explanatory Statement for the Department of Labor, Health and Human Services, and Education, and Related Agencies, please click [here](#).

To review the Joint Explanatory Statement for the Department of Transportation, Housing and Urban Development, and Related Agencies, please click [here](#).

NCAI Contact: Fatima Abbas, *Vice President of Government Relations*, fabbas@ncai.org

S. 212 - Indian Community Economic Enhancement Act

On December 30, 2020, the President signed into law [S. 212](#), the Indian Community Economic Enhancement Act. S. 212 promotes tribal economic development by amending the Buy Indian Act; the Native American Programs Act of 1974; and the Native American Business Development, Trade Promotion, and Tourism Act of 2000. The legislation elevates the Office of Native American Business Development to the Office of the Secretary of Commerce, expands the Buy Indian Act, and reauthorizes and expands economic development initiatives. The bill also requires interagency cooperation to promote private investment in Indian Country and updates securities regulations to provide tribal nations market access for debt and equity securities.

NCAI Contact: Julia Wakeford, *Policy Analyst*, jwakeford@ncai.org

H.R. 6535 - To deem an urban Indian organization and employees thereof to be a part of the Public Health Service for the purposes of certain claims for personal injury, and for other purposes.

On January 5, 2021, the President signed into law [H.R. 6535](#), a bill to expand Federal Tort Claims Act (FTCA) coverage to urban Indian health organizations. NCAI has standing resolution [#PDX-20-038](#) in support of this legislation.

NCAI Contact: Nicholas Courtney, *Director of Policy*, ncourtney@ncai.org

H.R. 6237 - PRC for Native Veterans Act

On January 5, 2021, the President signed into law [H.R. 6237](#). This legislation would require the Veterans Health Administration to reimburse the Indian Health Service and tribal health facilities for healthcare provided to American Indian and Alaska Native veterans through contracts with other medical providers, also known as purchased/referred care.

NCAI Contact: Nicholas Courtney, *Director of Policy*, ncourtney@ncai.org

H.R. 7105 - the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020, as amended

On January 5, 2021, the President signed into law [H.R. 7105](#), a legislative package of veterans' bills. H.R. 7105, the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020, as amended, includes the following tribal veterans' bills:

- [S. 524](#), the Department of Veterans Affairs Tribal Advisory Committee Act of 2019; and
- [S. 4909](#), the Native American Parity in Access to Care Today Act.

NCAI Contact: Nicholas Courtney, *Director of Policy*, ncourtney@ncai.org

H.R. 6395 - National Defense Authorization Act for Fiscal Year 2021

On January 1, 2021, the Senate followed the House in voting to override the December 23, 2020 veto by the President of [H.R. 6395](#), the National Defense Authorization Act for Fiscal Year 2021 (NDAA). The NDAA authorizes FY2021 appropriations and sets forth policies for Department of Defense (DOD) programs and activities, including military personnel strengths. The bill also authorizes the FY2021 personnel strengths for active duty and reserve forces and sets forth related policies. Additionally, the NDAA authorizes appropriations and sets forth policies regarding certain federal activities.

To review the NCAI NDAA summary of tribal provisions, click [here](#).

NCAI Contact: Amber Holland, *Wilma Mankiller Policy Fellow*, aholland@ncai.org

Administrative Update

Deadlines & Dates

Treasury Announces January 12 Application Deadline for Tribal Housing Funds

On January 6, 2021, the U.S. Department of the Treasury announced a short deadline for receipt of tribal Emergency Rental Assistance (ERA) funds established under Division N, Title V, Section 501, of H.R. 133, the Consolidated Appropriations Act.

The ERA program was established in Treasury and provides \$800 million in rental assistance to Indian Tribes or the tribally designated housing entity of an Indian tribe. According to the Treasury, "eligible grantees that do not provide complete information by 11:59 p.m. EDT on January 12, 2021, may not receive an Emergency Rental Assistance payment," and "Treasury is required to reallocate those funds to those tribes that have elected to participate in the program."

NCAI urges the U.S. Department of the Treasury to engage in expedited tribal consultation on the distribution and timeline of this funding and encourages tribal nations to also make this request.

For more information, please click [here](#).

To access the portal to begin the submission process for receiving funds, please click [here](#).

For assistance with technical issues with this submission, please email caresITforms@Treasury.gov

If you have any questions, please direct email correspondence to EmergencyRentalAssistance@treasury.gov

NCAI Contact: Fatima Abbas, *Vice President of Government Relations*, fabbas@ncai.org

The Federal Emergency Management Agency (FEMA) Invites Written Comments from Tribal Nations Regarding Tribal Pandemic Assistance
Written Comments Due: January 8, 2021

During the Coronavirus (COVID-19) pandemic, the Federal Emergency Management Agency (FEMA) has developed, implemented, and amended various policies without government-to-government consultation with tribal nations as required by [Executive Order 13175](#) and [FEMA's tribal consultation policy](#). On September 15, 2020, FEMA amended its Public Assistance Policy to narrow the scope of COVID-19 relief to tribal nations, states, and territories. During the pandemic, FEMA had also amended additional assistance policies, which have impacted tribal citizens and tribal nations. On December 8, 2020, the FEMA Recovery Directorate and FEMA Congressional and Intergovernmental Affairs Division hosted a virtual tribal listening session to gather input from tribal nations. FEMA now invites tribal nations to submit written comments regarding its COVID-19 policies and guidance and their impact on tribal nations. Written comments are due to FEMA by January 8, 2021.

To view the FEMA Dear Tribal Leader Letter, please click [here](#).

To view the FEMA framing paper, please click [here](#).

To view the FEMA Interim Public Assistance Policy, please click [here](#).

Written comments can be submitted via email to FEMA-Tribal-Recovery@fema.dhs.gov. To view the FEMA virtual listening session webpage, please click [here](#).

NCAI Contact: Kelbie Kennedy, *Policy Counsel*, kkennedy@ncai.org

TTAC GWE Subcommittee Re-Opens Tribal Solicitation Letter
Input Due: January 29, 2021

The **Treasury Tribal Advisory Committee** ("TTAC") Subcommittee on General Welfare Exclusion ("GWE Subcommittee") is reopening its solicitation of input from Tribal governments and stakeholders before making recommendations to the TTAC on guidance under the Tribal General Welfare Exclusion Act ("TGWEA") and the Internal Revenue Code Section 139E.

The GWE Subcommittee was formed in 2019 to provide the TTAC with technical expertise on recommendations for the implementation of the TGWEA. The GWE Subcommittee believes its recommendations need to reflect existing GWE programs and best practices.

To support this tribal engagement, the GWE Subcommittee previously released a solicitation letter to receive tribal input. The GWE Subcommittee has reopened this solicitation, [accessible here](#), and requesting input by January 29, 2021, at 5:00 pm EST.

This solicitation letter is solely on behalf of the GWE Subcommittee and is not an action of the TTAC.

All questions and input should be submitted to the following GWE Subcommittee technical advisors: Fatima Abbas, fabbas@ncai.org; and Emery Real Bird, emery@nafoa.org.

Proposed Modernization of BIA Indian Land Records Management Regulations
Tribal Consultation
Written Comments Due: February 9, 2021

On December 11, 2020, Assistant Secretary of Indian Affairs Tara Sweeney announced two virtual tribal consultation sessions on a **proposed rule** to modernize the current regulations governing the Land Title and Records Office (LTRO). The proposed rule would allow for more

widespread efficiencies by reflecting current practices while creating a framework for future LTRO operations. Information for these sessions can be found below:

January 12, 2021, 2:00 to 4:00 EST
Teleconference: 888-606-8412
Passcode: "DOI"

January 14, 2021, 2:00 to 4:00
EST Teleconference: 888-606-8412
Passcode: "DOI"

Written comments are due by February 9, 2021.

Comments may be submitted through the Federal eRulemaking Portal:
<http://www.regulations.gov/> identified by RIN number 1076-AF56

Comments can be emailed to consultation@bia.gov using the Subject Line: RIN number 1076-AF56

Comments can be mailed to:

Office of Regulatory Affairs &
Collaborative Action-Indian Affairs
(RACA), U.S. Department of the Interior,
1849 C Street NW, Mail Stop 4660,
Washington, DC 20240.

For additional information, contact Elizabeth Appel, Director, Office of Regulatory Affairs & Collaborative Action, 202-273-4680, elizabeth.appel@bia.gov.

NCAI Contact: Amber Holland, *Wilma Mankiller Policy Fellow*, aholland@ncai.org

Veterans Administration and Indian Health Service Tribal Consultation
Written Comments Due: February 12, 2021

On December 2, 2020, the Veterans Administration (VA) and Indian Health Service (IHS) released a Dear Tribal Leader Letter initiating joint Tribal Consultation to seek input on a draft revised memorandum of understanding (MOU) between the two agencies. The two agencies are seeking information and recommendations to assist in making improvements to the MOU. The purpose of the MOU to improve access and health outcomes for American Indian and Alaska Native Veterans. A series of informational webinars and listening sessions to share and gather input will be announced at a later date.

To view the draft revised MOU, please click [here](#).

Written comments and recommendations on the VA-IHS MOU Update is due by Friday, February 12, 2021. Comments and recommendations can be emailed to consultation@ihs.gov or tribalgovernmentconsultation@va.gov using Subject Line: VA-IHS MOU Update.

Comments and recommendations can be mailed to the following:

RADM Michael D. Weahkee	U.S. Department of Veterans Affairs
Director	Office of Intergovernmental Affairs
Indian Health Service	(075F)
5600 Fishers Lane, Mail Stop: 08E86	810 Vermont Avenue, NW, Suite 915G
Update Rockville, MD 20857	Washington, DC 20420
ATTENTION: VA-IHS MOU Update	ATTENTION: VA-IHS MOU Update

NCAI Contact: Nick Courtney, *Director of Policy*, ncourtney@ncai.org

BIE School Mascots Consultation Sessions
Written Comments Due: February 26, 2021

On December 18, 2020, Assistant Secretary of Indian Affairs Tara Sweeney announced two virtual tribal consultation sessions on the use of Native imagery as mascots and school symbols locally in BIE schools. The BIE will use the feedback to develop a report to inform local school and Department of the Interior (DOI) leadership on possible next steps. Information for these sessions can be found below.

February 16, 2021, 2:00 to 5:00 EST
Teleconference: 800-857-9872
Passcode: 3906969

February 18, 2021, 2:00 to 5:00 EST
Teleconference: 877-601-4492
Passcode: 3173996

Written comments are due by February 26, 2021.

Comments can be emailed to consultation@bia.gov.

Comments can be mailed to:

Juanita Mendoza

Bureau of Indian Education
1849 C Street NW, Mail Stop 4660,
Washington, DC 20240

To view the Dear Tribal Leader Letter on this subject, please click [here](#).

For additional information, contact Juanita Mendoza, Special Assistant to the Director of BIE, 202-208-3559, juanita.mendoza@bie.edu

NCAI Contact: Amber Holland, *Wilma Mankiller Policy Fellow*, aholland@ncai.org

**Transportation and Indian School Equalization Program Funding Formulas
Consultation Sessions
Written Comments Due: March 31, 2021**

On December 18, 2020, Assistant Secretary of Indian Affairs Tara Sweeney announced two virtual tribal consultation sessions on a potential update to the Indian School Equalization Program (ISEP) and Transportation formulas. Input will be incorporated in a report with specific recommendations for updating ISEP and Transportation regulations, including the formula and funding distribution methodology. Information for these sessions can be found below.

March 9, 2021, 2:00 to 5:00 EST
Teleconference: 888-982-4689
Passcode: 8247646

March 11, 2021, 2:00 to 5:00 EST
Teleconference: 888-455-9640
Passcode: 4844588

Written comments are due by March 31, 2021.

Comments can be emailed to consultation@bia.gov.

Comments can be mailed to:

Sharon Pinto
1011 Indian School Rd. NW
Building 2 - Suite 352
Albuquerque, NM 87104

To view the Dear Tribal Leader Letter on this subject, please click [here](#).

For additional information, contact Sharon Pinto, Deputy Bureau of School Operations BIE, 505-563-5235, sharon.pinto@bie.edu

NCAI Contact: Amber Holland, *Wilma Mankiller Policy Fellow*, aholland@ncai.org

**BIE Student Progress and Promotion Policy and BIE Certificate of Completion Policy
Consultation Session
Written Comments Due: March 15, 2021**

On December 18, 2020, Assistant Secretary of Indian Affairs Tara Sweeney announced two virtual tribal consultation sessions on two draft BIE policies regarding student progress, promotion, and certificates of completion. The purpose of the two policies is to make certain that student promotion is based on the meeting of minimum standards for a high school diploma. Information for these sessions can be found below.

March 4, 2021, 2:00 to 5:00 EST
Teleconference: 888-790-3346
Passcode: 659837

Written comments are due by March 15, 2021.

Comments can be emailed to consultation@bia.gov

Comments can be mailed to:

Travis Clark
1849 C Street NW,
MS 3609,
Washington, DC 20240

To view the Dear Tribal Leader Letter on this subject, please click [here](#).

For additional information, contact Travis Clark, Deputy Bureau of School Operations BIE, 571-563-5235, sharon.pinto@bie.edu

NCAI Contact: Amber Holland, *Wilma Mankiller Policy Fellow*, aholland@ncai.org

Memorandum of Agreement (MOA) on Public Law 102-477 Consultation Sessions
Written Comments Due: April 2, 2021

On December 18, 2020, Assistant Secretary of Indian Affairs Tara Sweeney announced two virtual tribal consultation sessions on an interagency memorandum of agreement (MOA) to implement Public Law 102-477, the Indian Employment, Training, and Related Services Demonstration Act of 1992 (477 Program). This consultation session will provide the opportunity for Tribes to provide input, raise concerns and suggestions for this process and how the MOA can best support federal implementation of the 477 Program. Information for these sessions can be found below.

January 26, 2021, 2:00 to 4:00 EST
Teleconference: 800-475-8401
Passcode: 1075085

A second session will occur during the NCAI Winter Executive Session (February 21-25, 2021). The specific date, time and location will be listed in the NCAI Agenda and announced on www.bia.gov.

Written comments are due by April 2, 2021.

Comments can be emailed to consultation@bia.gov.

Comments can be mailed to:

Anthony Riley, Chief (Acting) Division of Workforce Development
Bureau of Indian Affairs - Office of Indian Services
1001 Indian School Rd. NW
Unit 225D
Albuquerque, NM 87104

To view the Dear Tribal Leader Letter on this subject, please click [here](#).

For additional information, contact Anthony Riley, Chief (Acting) Division of Workforce Development, BIA, 505-563-3745, anthony.riley@bia.gov

NCAI Contact: Amber Holland, *Wilma Mankiller Policy Fellow*, aholland@ncai.org

Indian Preference in Hiring for BIA Office of Justice Services (OJS) Positions
Consultation Sessions
Written Comments Due: April 30, 2021

On December 18, 2020, Assistant Secretary of Indian Affairs Tara Sweeney announced two virtual tribal consultation sessions on the need to fill critical Bureau of Indian Affairs (BIA) Office of Justice Services (OJS) Positions. There are several challenges to filling positions which lead to delays and personnel shortages. BIA OJS is seeking parity with Tribal requirements and would like to consult on potential options to assist with alleviating obstacles to the Federal hiring process so critical public safety positions can be filled with highly qualified applicants more quickly. Information for these sessions can be found below.

January 28, 2021, 2:00 to 4:00 EST
Teleconference: 888-947-8932
Passcode: 4626160

February 2, 2021, 2:00 to 4:00 EST
Teleconference: 800-779-1436
Passcode: 5464486

February 4, 2021, 2:00 to 4:00 EST
Teleconference: 800-988-9510
Passcode: 2262206

Written comments are due by April 30, 2021.

Comments can be emailed to consultation@bia.gov.

Comments can be mailed to:

Charles Addington, Deputy Director of Justice Services
Bureau of Indian Affairs
1849 C Street, NW
MS- 4660
Washington, DC 20240

To view the Dear Tribal Leader Letter on this subject, please click [here](#).

For additional information, contact Anthony Riley, Deputy Bureau Director, Office of Justice Services, BIA, 202-302-0216, charles.addington@bia.gov

NCAI Contact: Amber Holland, *Wilma Mankiller Policy Fellow*, aholland@ncai.org

**Eligibility Criteria for Construction Assessments of Public Safety and Justice Facilities
Consultation Session**

Written Comments Due: April 30, 2021

On December 18, 2020, Assistant Secretary of Indian Affairs Tara Sweeney announced two virtual tribal consultation sessions on the revised approach to improving the condition of public safety and justice facilities, such as detention centers. The approach would assess the conditions of facilities and determine a site-by-site solution to get each facility to and maintain them at a "good" status. BIA is seeking input on the eligibility criteria for construction assessments. Information for these sessions can be found below.

March 23, 2021, 2:00 to 5:00 EST

Teleconference: 888-982-7291

Passcode: 6884022

Written comments are due by April 30, 2021.

Comments can be emailed to consultation@bia.gov.

To view the Dear Tribal Leader Letter on this subject, please click [here](#).

For additional information, contact Judith Wilson, Director, Office of Facilities, Property and Safety Management, 703-390-6314, judith.wilson@bia.gov

NCAI Contact: Amber Holland, *Wilma Mankiller Policy Fellow*, aholland@ncai.org

Indian Land Title and Records Proposed Rule Consultation Sessions

Written Comments Due: February 9, 2021

On December 18, 2020, Assistant Secretary of Indian Affairs Tara Sweeney announced two virtual tribal consultation sessions on a proposed rule to update its Indian Land Record of Title regulations, [85 FR 79965](#). The rule would modernize the current regulations governing the Land Title and Records Office (LTRO) which maintains title documents for land held in trust or restricted status for individual Indians and Tribes (Indian land). The proposed rule would replace outdated provisions and allow for more widespread efficiencies by reflecting current practices, while creating a framework for future LTRO operations. Tribal consultation session will discuss the proposed rule. Information for these sessions can be found below.

January 12, 2021, 2:00 to 4:00 EST

Teleconference: 888-606-8412

Passcode: DOI*

January 14, 2021, 2:00 to 4:00 EST

Teleconference: 888-606-8412

Passcode: DOI*

Written comments are due by February 9, 2021.

Comments can be emailed to consultation@bia.gov.

To view the Dear Tribal Leader Letter on this subject, please click [here](#).

For additional information, contact Elizabeth Appel, Director, Office of Regulatory Affairs & Collaborative Action, 202-273-4680, elizabeth.appel@bia.gov

NCAI Contact: Amber Holland, *Wilma Mankiller Policy Fellow*, aholland@ncai.org

Tribal Transportation Program (TTP) Access Road Mileage Limitation Consultation Sessions

Written Comments Due: To Be Announced

On December 18, 2020, Assistant Secretary of Indian Affairs Tara Sweeney re-announced three virtual tribal consultation sessions on the mileage limitation for access roads under the Tribal Transportation Program's current regulations. The invitation to consult was initially extended in a December 15, 2020 letter. Information for these sessions can be found below.

Tribes in the Lower 48: January 15, 2021, 2:00 to 4:00 EST

Teleconference: 888-606-8412

Passcode: DOI*

Alaska Tribes: January 15, 2021, 4:30 to 6:30 EST

Teleconference: 800-857-9676

Passcode: DOI*

Alaska Tribes: January 19, 2021, 4:00 to 6:00 EST

Teleconference: 800-857-9676

Passcode: DOI*

Written comment deadline has not been established.

Comments can be emailed to consultation@bia.gov.

To view the Dear Tribal Leader Letter on this subject, please click [here](#).

For additional information, contact Matthew Kelly, Counselor to the Assistant Secretary - Indian Affairs, 202-208-4319, matthew.kelly@bia.gov

NCAI Contact: Amber Holland, *Wilma Mankiller Policy Fellow*, aholland@ncai.org

American Indian Probate Regulations Proposed Rule Consultation Sessions
Written Comments Due: March 1, 2021

On December 18, 2020, Assistant Secretary of Indian Affairs Tara Sweeney announced a virtual tribal consultation session on a proposed update by the DOI to regulations governing probate of property that the United States holds in trust or restricted status for American Indians. The proposed revisions would allow the Office of Hearings and Appeals (OHA) to adjudicate probate cases more efficiently by, among other things, establishing an expedited process for small, funds-only estates, reorganizing the purchase-at-probate process so that estates may be closed more quickly, streamlining notice to co-owners who are potential heirs while adding electronic notice to all by website posting, and more clearly specifying which reasons justify reopening of closed probate estates. The proposed revisions would also enhance OHA's processing by adding certainty as to how estates should be distributed when certain circumstances arise that are not addressed in the statute. Information for this session can be found below.

February 9, 2021, 2:00 to 5:00 EST
Teleconference: 800-369-3356
Passcode: 8182564

Public session for individuals: February 11, 2021, 2:00 EST
Call-in number 888-790-3548
Passcode 6643062

Written comment deadline March 1, 2021.

Comments can be emailed to consultation@bia.gov.

To view the Dear Tribal Leader Letter on this subject, please click [here](#).

For additional information, contact Elizabeth Appel, Director, Office of Regulatory Affairs & Collaborative Action, 202-273-4680, elizabeth.appel@bia.gov

NCAI Contact: Amber Holland, *Wilma Mankiller Policy Fellow*, aholland@ncai.org

Federal Acknowledgment Re-Petitioning Consultation Session

Written Comments Due: March 31, 2021

On December 18, 2020, Assistant Secretary of Indian Affairs Tara Sweeney announced two virtual tribal consultation sessions on regulations prohibiting re-petitioning for Federal acknowledgment. Since the rules were updated in 2015, two Federal district courts ruled that the DOI's explanation for its decision to ban re-petitioning was insufficient as a matter of law under the Administrative Procedure Act. DOI is consulting on whether it should reconsider its prior decision to ban re-petitioning.

A session will occur during the NCAI Winter Executive Session (February 21-25, 2021). The specific date, time and location will be listed in the NCAI Agenda and announced on www.bia.gov/asia/raca/regulations-and-other-documents-in-development.

Written comments are due by March 31, 2021.

Comments can be emailed to consultation@bia.gov.

To view the Dear Tribal Leader Letter on this subject, please click [here](#).

For additional information, contact Elizabeth Appel, Director, Office of Regulatory Affairs & Collaborative Action, 202-273-4680, elizabeth.appel@bia.gov

NCAI Contact: Amber Holland, *Wilma Mankiller Policy Fellow*, aholland@ncai.org

Indian Trader Regulations Consultation Sessions

Written Comments Due: March 31, 2021

On December 18, 2020, Assistant Secretary of Indian Affairs Tara Sweeney announced two virtual tribal consultation sessions on the use of Indian Trader regulations as a vehicle for prohibiting dual taxation and will allow Tribes the opportunity to inform the DOI as to whether it should reconsider Indian Trader regulations at some future date. These listening sessions follow 16 consultation and listening sessions Indian Affairs conducted in 2017 on revisions to 25 CFR 140, Licensed Indian Traders. Information for this session can be found below.

March 16, 2021, 2:00 to 4:00 EST

Teleconference: 800-369-1122
Passcode: 5906233

March 18, 2021, 2:00 to 4:00 EST
Teleconference: 800-857-5055
Passcode: 6951606

Written comments are due by March 31, 2021.

Comments can be emailed to consultation@bia.gov.

To view the Dear Tribal Leader Letter on this subject, please click [here](#).

For additional information, contact Elizabeth Appel, Director, Office of Regulatory Affairs & Collaborative Action, 202-273-4680, elizabeth.appel@bia.gov

NCAI Contact: Amber Holland, *Wilma Mankiller Policy Fellow*, aholland@ncai.org

